

**BAKER BOTTS** LLP

Attorney Docket Number: A32213-PCT

TECH CENTER 1600/2900

JUL 11 2002

RECEIVED

Title:

METHOD OF PREPARING TRIFLUORO-  
2-HYDROXY-2-METHYLPROPIONIC ACID



Use Space Below for Additional Information:



#17C/jbr  
07-12-02

FILE NO.: A32213-PCT-USA 071800.0117  
PATENT

TECH CENTER 1600/2900

JUL 11 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brieden et al.

Serial No. : 09/214,679

Examiner: Rao, M.

Filed : December 30, 1999

Group Art Unit: 1652

For : METHOD OF PREPARING (S)- OR (R)  
-3, 3, 3-TRIFLUORO-2-HYDROXY-2-  
METHYLPROPRIONIC ACID

REPLY UNDER 37 C.F.R. §1.116

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

July 3, 2002  
Date of Deposit

Carmella L. Stephens  
Attorney Name

41,328  
PTO Reg. No.

Carmella L. Stephens  
Signature

July 3, 2002  
Date of Signature



FILE NO.: A32213-PCT-USA 071800.0117  
PATENT

RECEIVED

JUL 11 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, D.C. 20231 **Box RCE**

Sir:

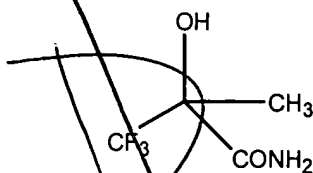
In response to the Final Office Action mailed March 4, 2002, please consider the following amendments and remarks. Applicants submit herewith: (1) a Petition to Extend Time for one month, from June 4, 2002 up to and including July 4, 2002; (2) a Request for Continued Examination Under 37 C.F.R. § 1.114; (3) an Information Disclosure Statement, PTO-1449 form and accompanying references; (4) a marked-up version of the amended claims, attached hereto as Exhibit A; and (5) a clean version of the claims that will be pending upon entry of the instant amendment, attached hereto as Exhibit B. Please charge our Deposit Account No. 02-4377 for the \$110.00 extension of time fee, and any other necessary fees.

IN THE CLAIMS:

Please amend claims 22-40 as follows:

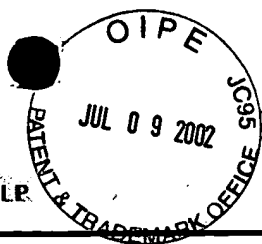
22. (Amended) A biologically pure culture of a microorganism

wherein said microorganism utilizes propionamide of the formula:



in the form of the racemate or of its optically active isomers as the sole nitrogen source; and wherein said microorganism hydrolyzes said propionamide.

RCE/1600  
 + \$16/row  
 07-12-02



BAKER BOTTS LLP

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

|                        |                   |
|------------------------|-------------------|
| Application Number     | 09/214,679        |
| Filing Date            | December 30, 1999 |
| First Named Inventor   | Briedan           |
| Group Art Unit         | 1652              |
| Examiner Name          | Rao               |
| Attorney Docket Number | A32213-PCT        |

TECH CENTER 1600 P900

RECEIVED  
 JUL 11 2002

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☒ Other cited references; 1449 Form \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-4377

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |                             |                                   |              |
|-------------------|-----------------------------|-----------------------------------|--------------|
| Name (Print/Type) | Carmella L. Stephens        | Registration No. (Attorney/Agent) | 41,328       |
| Signature         | <i>Carmella L. Stephens</i> | Date                              | July 3, 2002 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

|                   |                             |
|-------------------|-----------------------------|
| Name (Print/Type) | Carmella L. Stephens        |
| Signature         | <i>Carmella L. Stephens</i> |
| Date              | July 3, 2002                |